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November 30, 1999

Via Courier

Joseph S. Carra
Deputy Director, Office of Pollution Prevention and Toxics [7401]
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Re: Removal of "Fats and Glyceridic Oils, Vegetable, Deodorizer
Distillates" (CAS No. 68476-80-2) from the HPV List

Dear Mr. Carra:

I am writing on behalf of the organizations identified below and the member companies of those organizations, to request that EPA remove "Fats and Glyceridic Oils, Vegetable, Deodorizer Distillates" (CAS No. 68476-80-2) (hereinafter referred to as "Vegetable Oil Distillates") from the list of chemicals subject to testing under the HPV program. As explained in more detail below, the basis for this request is that Vegetable Oil Distillates is not now, nor is it likely to become, an HPV chemical.

The National Oilseed Processors Association ("NOPA") is a national trade association comprised of 14 regular and 22 associate member companies with plants that produce vegetable meals and oils from oilseeds. NOPA's 14 regular member firms process an estimated 1.4 billion bushels of oilseeds annually at 75 plants in 22 states, employing an estimated 4,500 workers. The Institute of Shortening and Edible Oils (ISEO) is a trade association representing the interests of edible fat and oil refiners in the U.S. The 22 members of ISEO refine approximately 18 billion pounds of edible fats and oils annually which are used in baking and buying fats (shortening), salad and cooking oils, margarines, confections and as ingredients in various other food products. The National Cotton Council of America ("NCCA") is the central organization of the United States cotton industry. Its members include producers, ginner, oilseed crushers, merchants, cooperatives, warehousemen and textile manufacturers. The cottonseed segment of NCCA represents 44 businesses that employ approximately 1,500 workers.

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The National Cottonseed Products Association ("NCPA") is a century-old trade association representing the cottonseed processing industry. NCPA crusher members process cottonseed to produce cottonseed oil, meal, linters and hulls. The Corn Refiners Association ("CRA") is the national trade association representing the United States corn refining (wet milling) industry. Members of the Association produce starches, sweeteners, alcohol, feed ingredients and vegetable oil using the corn wet milling process.

Vegetable Oil Distillates is a product that is used or produced by member companies of the associations listed above. As far as we can determine, Vegetable Oil Distillates has been reported for the TSCA Inventory Update Rule ("IUR") as follows:

- For the 1990 IUR reporting cycle two companies reported Vegetable Oil Distillates production. Those companies were Cargill, Inc., which is a member of NOPA, and Karlshamns Lipid Specialties ("Karlshamns") which, as far as we know, is no longer in business in the U.S.
- For the 1994 IUR reporting cycle, four companies reported Vegetable Oil Distillates production. Those companies were Cargill, Inc., Archer Daniels Midland Company ("ADM") (also a member of NOPA), Karlshamns, and Henkel Corporation.
- For the 1998 IUR reporting cycle, we are aware of only two companies that reported Vegetable Oil Distillates production. Those companies were Cargill and Henkel Corporation.

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Vegetable Oil Distillates is produced as a byproduct of the vegetable oil refining process, when crude vegetable oils are refined to produce finished, edible oils. Because it is not produced with a separate commercial intent, Vegetable Oil Distillates qualifies as a "byproduct" for purposes of TSCA. See 40 C.F.R. § 710.2(h). Moreover, there is only one TSCA-regulated commercial use for Vegetable Oil Distillates: the substance is used as a source material from which other component substances, primarily Vitamin E are extracted. Vegetable Oil Distillates produced for this purpose is exempt from IUR reporting, under 40 C.F.R. §§ 710.30 and 720.30(g). In addition, some quantity of Vegetable Oil Distillates is also used as a component of animal feed; however, this use is exempt from regulation under TSCA, because it constitutes a "food" use for purposes of the Federal Food, Drug and Cosmetic Act ("FFDCA"). 21 U.S.C. § 321(f). Materials that are "foods" as defined in the FFDCA are exempt from regulation as "chemical substances" under TSCA. See 15 U.S.C. § 2602(2); 40 C.F.R. § 710.2(h).

Attached to this document are letters from each of the three companies still operating in the U.S. that reported Vegetable Oil Distillates under the IUR (see Attachments 1, 2 and 3), confirming that, to the extent that they still produce Vegetable Oil Distillates, their entire production of the substance is for the uses described above.¹

¹ We have polled our members to identify all companies that reported Vegetable Oil Distillates for the 1990, 1994 and/or 1998 IUR reporting cycles, and we have attempted to attach letters of support from each reporting company that we have identified. Although we believe we have identified every company that reported this substance for the IUR, as of the date of this letter, we have not yet completed our survey of member companies. If, upon completion of the survey, we determine that additional companies reported Vegetable Oil Distillates for the IUR, we will endeavor to provide EPA with letters of support from those additional companies as quickly as possible.

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Because Vegetable Oil Distillates is not currently produced for any purpose that is reportable under the IUR, the substance cannot be considered "HPV" as EPA has used that term. Moreover, as the attached letters indicate, Vegetable Oil Distillates is not likely to become an HPV chemical in the future, because none of the producers of Vegetable Oil Distillates plans to produce the substance for purposes other than those outlined above.

Therefore, in accordance with EPA's guidance document entitled *Procedures for Removing Chemicals that are no longer HPV and are not likely to become HPV Again from the HPV List* (February 8, 1999), Vegetable Oil Distillates should be removed from the HPV list.

Please confirm OPPT's intentions with respect to the removal of Vegetable Oil Distillates from the HPV list. Please call me if you have any questions regarding this submission or if you desire additional information.

David C. Ailor, P.E.

Director of Regulatory Affairs

Three Attachments

cc: Charles M. Auer (Director, Chemical Control Division [7405],
U.S. Environmental Protection Agency, 401 M Street, SW,
Washington, DC 20460)



ARCHER DANIELS MIDLAND COMPANY BOX 1470 DECATUR, ILLINOIS 62525 TEL: 217/424-5200

November 29, 1999

Joseph S. Carra, Deputy Director
Office of Pollution Prevention and Toxics [7401]
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Via Facsimile and Certified Mail

Re: Request to Remove "Fats and Glyceridic Oils, Vegetable, Deodorizer Distillates" (CAS No. 68476-80-2) from the HPV List

Dear Mr. Carra:

I am writing in support of the letter dated November 30, 1999, that is being submitted to you by the National Oilseed Processors Association ("NOPA"), the Institute of Shortening and Edible Oils ("ISEO"), the National Cotton Council of America ("NCCA"), the National Cottonseed Products Association ("NCPA"), and the Corn Refiners Association ("CRA") (together, the "Associations"). In that letter, the Associations request that EPA remove "Fats and Glyceridic Oils, Vegetable, Deodorizer Distillates" (CAS No. 68476-80-2) (hereinafter referred to as "Vegetable Oil Distillates") from the list of chemicals subject to the HPV program.

Archer Daniels Midland Company (ADM) reported Vegetable Oil Distillates production for the 1994 IUR reporting cycle. This letter will confirm that ADM produces Vegetable Oil Distillates without separate intent as a byproduct of the vegetable oil refining process and that we produce the substance solely for use as a source material from which other substances, primarily Vitamin E, are extracted. Further, we anticipate that any future production of Vegetable Oil Distillates will also be produced in the manner and for the use just described. Consequently, none of the Vegetable Oil Distillates manufactured by ADM should be counted toward the 1 million pound threshold for designation as an HPV chemical.

If you have any questions regarding this letter or if you desire additional information pertaining to ADM's production of Vegetable Oil Distillates, please contact me at 217/424-7456.

Sincerely,

Mark E. Calmes
Vice President
Environmental Engineering Services
Corporate Environmental, Health and Safety

Cc: Chris Janick, ADM
Charles M. Auer, U.S. EPA
David C. Ailor, NOPA

CARGILL

15407 McGinty Road West
Wayzata, MN 55391-2899
Mail Address: PO Box 9300
Minneapolis, MN 55440-9300

November 24, 1999

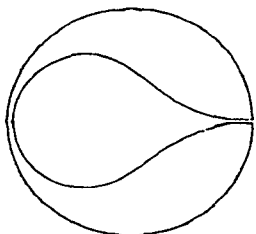
Joseph S. Carra
Deputy Director, Office of Pollution Prevention and Toxics (7401)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

**Re: Request to Remove "Fats and Glyceridic Oils, Vegetable Oil
Distillates (CAS No. 68476-80-2) from the HPV List**

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Cargill, Inc. reported Vegetable Oil Distillates production for the 1990, 1994 and 1998 IUR reporting cycles. This letter will confirm that Cargill, Inc. produces Vegetable Oil Distillates without separate intent as a byproduct of the vegetable oil refining process and that we produce the substance solely for use as a source material from which other substances, primarily Vitamin E, are extracted. Further, we anticipate that any future production of Vegetable Oil Distillates will also be produced in the manner and for the uses just described. Consequently, none of the Vegetable Oil Distillates manufactured by Cargill, Inc. should be counted toward the 1 million-pound threshold for designation as an HPV chemical.



If you have any questions regarding this letter submission or if you desire additional information pertaining to Cargill, Inc's. production of Vegetable Oil Distillates, please contact me at (612)742-6671

Sincerely,

Leroy Venne
Safety Coordinator

LV:lh

cc: Charles M. Auer
David C. Ailor

The Henkel logo, consisting of the word "Henkel" in a bold, sans-serif font, enclosed within an oval border.**Henkel Corporation**

November 30, 1999

Joseph S. Carra
Deputy Director, Office of Pollution Prevention and Toxics [7401]
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

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Henkel Corporation purchases Vegetable Oil Distillates from both domestic and international sources. Imports of Vegetable Oil Distillates were reported for both the 1994 and 1998 IUR reporting cycles. Henkel's use of Vegetable Oil Distillates is solely as a source material from which other substances, primarily Vitamin E, are extracted. Further, we anticipate that any future use of Vegetable Oil Distillates will also be for the uses just described. Consequently, none of the Vegetable Oil Distillates used by Henkel Corporation should be counted toward the 1 million-pound threshold for designation as an HPV chemical.

If you have any questions regarding this letter submission or if you desire additional information pertaining to Henkel Corporation's use of Vegetable Oil Distillates, please contact me at 610/270-8203 or by Email at Roger.E.Johnson@henkel-americas.com. Henkel Corporation's HPV Challenge identification number is

Sincerely,

Roger Johnson

cc: David C. Ailor
Charles A. Auer